

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CR. No.: 2:06cr232-MHT
)	
WILEY THOMAS, JR.)	
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)	
UNITED STATES OF AMERICA)	
)	
V.)	
)	
COLONIAL BANK)	Misc. No. 2:07mc3382-T
Montgomery, AL)	
(Garnishee))	
)	
WILEY THOMAS, JR.)	
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**EMERGENCY REQUEST TO STAY ACCOUNT GARNISHMENT, WRIT OF
EXECUTION & REQUEST FOR STATUS CONFERENCE**

COMES NOW the Defendant, Wiley Thomas Jr., by and through undersigned counsel, Kevin L. Butler, and submits this emergency request to stay the writ of execution and subsequent garnishment of Mr. Thomas' accounts at Colonial Bank. In support of this request, the defendant states:

- 1) On May 31, 2007, Mr. Thomas entered a plea of guilty to conspiracy to solicit or accept bribes in violation of 18 U.S.C. § 371.
- 2) On November 16, 2007, he was sentenced to 5 years probation. One of the special conditions of probation was that he pay \$500.00 a month in restitution. Mr. Thomas is in

compliance with his restitution payment schedule.

- 3) Though Mr. Thomas was directed to make monthly payments towards restitution, the Judgment and Sentence also ordered restitution to be paid in a ,"[l]ump sum payment of \$118,015.00 due immediately." (**Case No.: 06cr232**, Docket # 33, p.5).
- 4) On December 18, 2007, the government sought garnishment of Mr. Thomas' Colonial Bank Accounts in the amount of \$118,015.00. (**Case No.: 07mc3382**, Docket #1) and on December 20, 2007, a Writ of Execution was delivered to the US Marshals. (**Case No.: 07mc3382**, Docket #2)
- 5) The writ was served by the U.S. Marshals Service and pursuant to this Writ, on or about January 10, 2008, Colonial Bank has seized all of Mr. Thomas' assets.
- 6) Mr. Thomas and his family are now destitute and scrambling to make financial arrangements necessary for the subsistence.

FOR THESE REASONS, Mr. Thomas makes this emergency request for this Court to:

- 1) order the Application and subsequent Writ of Execution for his bank accounts temporarily stayed;
- 2) schedule a hearing on this matter as soon as possible;
- 3) order Colonial Bank to release to Mr. Thomas all of his funds and accounts until such time as a hearing is scheduled in this matter.

Dated this 11th day of January 2008.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Rand Neeley, Esquire
Stephen P. Feaga, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
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